

## REMARKS

This Response is submitted in reply to the Office Action dated June 14, 2007. Claims 1, 3, 8, 10, 13, 15, 20, 22, 23, 25, 26, 37, 38, 39, 43, and 50 have been amended. New Claims 51 to 56 have been added. No new matter has been added by these new claims or amendments.

A Supplemental Information Disclosure Statement and a Petition for a One-Month Extension of Time is submitted herewith. Please charge deposit account 02-1818 for the Supplemental Information Disclosure Statement, the One-Month Extension of Time, and any other fees due in connection with this Response.

The Office Action rejected Claims 3 to 6, 8 to 10, 15 to 18, 20 to 23, 26 to 33 and 39 to 46 under 35 U.S.C. §103(a) as being unpatentable U.S. Patent No. 5,833,537 to Barrie ("*Barrie*") in further view of U.S. Patent No. 5,807,172 to Piechowiak ("*Piechowiak*"). Applicants respectfully disagree with an traverse this rejection for at least the reasons set forth below.

Amended independent Claims 1 and 13 are each generally directed to a gaming device including, among other elements, a game, a plurality of reels, each of the reels including a plurality of symbols, a plurality of paylines associated with the reels, the plurality of different paylines including a first payline, a plurality of different predetermined modifiers (or multipliers) including a first predetermined modifier (or multiplier), each of the different predetermined modifiers (or multipliers) associated with a different one of the plurality of paylines, and wherein the first predetermined multiplier is associated with the first payline for each play of the game.

Amended independent Claims 25 and 38 are each generally directed to a method of operating a gaming device including, among other steps, providing a game, displaying a plurality of reels and a plurality of different paylines including a first payline to a player, each of said reels including a plurality of symbols, wherein said paylines are associated with said reels, wherein a different predetermined modifier (or multiplier) is associated with each of said paylines, the different predetermined multipliers include a first multiplier, and wherein the first predetermined multiplier is associated with the first payline for each play of the game.

*Barrie* discloses a gaming device including persistent symbols (or features) that remain throughout two or more rounds of a game and affect the payout of a play of the game. For example, in a first version of *Barrie*, the gaming device includes pay lines and symbols that change with each round of the game. A winning outcome is provided if a predetermined symbol combination appears along any of the pay lines. In this version, persistent symbols appear in response to the generation of a particular symbol, or upon the occurrence of a designated event (e.g., passage of certain amount of time), or in response to the game randomly generating a persistent symbol. A pay line with a winning symbol combination that includes a single persistent symbol appearing along the payline will have a payout equal to the predetermined winning symbol combination payout multiplied by two. A pay line with a winning symbol combination that has two persistent symbols appearing along the pay line will have a pay out equal to the predetermined winning symbol combination payout multiplied by three, and so forth. The persistent symbols are deleted upon the appearance of a particular symbol, or upon the occurrence of a designated event (e.g. after completion of predetermined number of games), or in response to the game randomly deleting the persistent symbol.

In another version of *Barrie* shown in Fig. 4, the persistent symbols are payline multipliers. In this version, the multiplier indicia changes when a certain symbol appears in a designated location.

In another version of *Barrie* shown in Fig. 5, the game generally includes an electronic version of Keno in which the game randomly deletes the appearance of the persistent symbols.

In another version of *Barrie* shown in Fig. 6, the game includes a theme with persistent symbols that fade with the passage of time. The persistent symbols in this version can change with the appearance of a certain symbol.

In another version of *Barrie* generally shown in Fig. 7 and Fig. 8, the game provides a persistence feature with a side display. Upon the occurrence of a predetermined event (such as a winning symbol combination occurring across a payline), the side display is filled with symbols (e.g., markers are placed in the bingo card of Fig. 7 or puzzles pieces are added in Fig. 8). In this version, it appears that the

payout from a winning symbol combination is modified when the side display includes a predetermined arrangement of symbols (for example, a full puzzle).

Applicants respectfully submit that *Barrie* does not disclose a gaming device including a game, plurality of different paylines including a first payline, and plurality of different predetermined modifiers (or multipliers) including a first modifier, wherein the first predetermined modifier (or multiplier) is associated with the first payline for each play of the game.

Similarly, Applicants respectfully submit that *Barrie* does not disclose a method of operating a gaming device including providing a game, wherein the different predetermined multipliers include a first multiplier, and wherein the first predetermined multiplier is associated with a first payline for each play of the game.

In each version of *Barrie*, the modifiers or multipliers change. Thus, no single modifier (or multiplier) is associated with a same payline for each play of a game. For example, in the first version of *Barrie* discussed above, the game multiplies the outcome from a winning symbol combination when a persistent symbol appears along the pay line with the winning symbol combination. A persistent symbol appears when a particular symbol is displayed (e.g., "red ball" symbol) in a particular location and the persistent symbols are deleted upon the appearance of another particular symbol (e.g., "black ball" symbol). The persistent symbols are constantly deleted and added and thus the modifiers (or multipliers) change during plays of the game. Therefore, no single modifier (or multiplier) is associated with the same payline for each play of the game.

On the other hand, unlike *Barrie*, the gaming device of amended independent Claims 1 and 13 each include a game, wherein a first predetermined modifier (or multiplier) is associated with a first payline for each play of the game. Similarly, unlike *Barrie*, the method of operating a gaming device of amended independent Claims 25 and 38, each include providing a game operable, wherein the different predetermined multipliers include a first multiplier, and wherein a first predetermined multiplier is associated with a first payline for each play of the game. For at least this reason, Applicants respectfully submit that Claims 1, 13, 25, and 38 are patentably distinguished over *Barrie* and in condition for allowance.

Claims 2 to 12, 14 to 24, 26 to 37, and 39 to 50 depend directly or indirectly from independent Claims 1, 13, 25, and 38 and are also allowable for at least the reasons given with respect to Claims 1, 13, 25, and 38 and because of the additional features recited in these claims.

The gaming device of new independent Claim 51 generally includes, among other elements, a plurality of different paylines associated with reels, wherein each of the paylines are numbered successively, a plurality of different predetermined modifiers, each of the different predetermined modifiers associated with a different one of the paylines, and wherein the value of each of the plurality of different predetermined modifiers is based on the number of the respective payline.

Similarly, the method of operating a gaming device of new independent Claim 52, includes displaying a plurality of reels and a plurality of different paylines to a player, wherein each of the paylines are numbered successively, each of the reels including a plurality of symbols, wherein the paylines are associated with said reels, and wherein a different predetermined modifier is associated with each of said paylines, and the value of each of the plurality of different predetermined modifiers is based on the number of the respective payline.

The Office Action states that *Barrie* discloses three paylines with modifiers increasing sequentially by a predetermined amount without specifically designating the paylines successively. The Office Action relies on *Peichowiak* for disclosure of specific numbering of paylines. The Office Action concludes it would have been obvious to one of ordinary skill in the art to number the paylines of *Barrie* in the same fashion as *Peichowiak* so that a player would know how many paylines they need to bet. Applicants respectfully submit that this reasoning does not support a prima facie case of obviousness for new independent Claims 51 and 52 because neither *Barrie* nor *Piechowiak*, alone or in combination, disclose the value of each of the plurality of different modifiers based on the number of the respective payline.

The value of the modifiers in *Barrie* are based on persistent symbols or a persistent feature rather than the number of a payline. *Piechowiak* does not remedy the

deficiencies of *Barrie* because *Piechowiak* does not disclose modifiers at all. Thus, unlike the gaming device/method of operating a gaming device of new independent Claims 51 and 52, neither *Barrie* nor *Piechowiak* individually, nor the gaming device/method of operating a gaming device resulting from the combination thereof, discloses the value of each of a plurality of different predetermined modifiers based on the number of a payline. On the other hand, the gaming device/method of operating a gaming device of new independent Claims 51 and 52 each include the value of each of a plurality of different predetermined modifiers based on the number of a payline. For at least this reason, Applicants respectfully submit that new independent Claims 51 and 52 are patentably distinguished over *Barrie* and *Piechowiak* and in condition for allowance.

Claims 53 and 54 depend directly or indirectly from independent Claim 52 and are also allowable for at least the reasons given with respect to Claim 52 and because of the additional features recited in these claims.

The gaming device of new independent Claim 54 generally includes, among other elements, a plurality of different paylines associated with reels, wherein each of the paylines are numbered successively, a plurality of different predetermined modifiers, each of the different predetermined modifiers associated with a different one of the paylines, and wherein the value of each of the plurality of different predetermined modifiers is based on the number of the respective payline, and the first predetermined modifier is associated with the first payline for each play of a game.

Similarly, the method of operating a gaming device of new independent Claim 55 generally includes, among other elements, a plurality of different paylines associated with the reels, the plurality of different paylines including a first payline, a plurality of different predetermined modifiers including a first predetermined modifier, each of the different predetermined modifiers associated with a different one of said paylines, wherein the value of each of the plurality of different predetermined modifiers is based on the number of the respective payline, and the first predetermined modifier is associated with the first payline for each play of a game.

Applicants respectfully submit that new independent Claims 54 and 55 are allowable for at least the reasons given with respect to amended independent Claims 1 and 25 and new independent Claims 51 and 52.

An earnest endeavor has been made to place this application in condition for formal allowance, and such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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